

Volume 2, Number 7

August 2006

A Moment at the Mike

The Spice of Life

The County Council will adjourn for the summer on August 1. While that might mean the Council isn't holding formal sessions (which I know you're watching on County Cable Montgomery Channel 6), that doesn't mean we're not still working. I'm spending the summer walking Upcounty neighborhoods, knocking on doors, and listening to what you have to say. That way, when we come back in session in September, I can continue to work hard on the issues that matter the most to you.

I think this issue of The Open Mike, in fact, gives a good overview of the broad variety of issues that are of importance to us in the Upcounty. I'm often approached by people who've read The Open Mike and express disbelief at the range of things we deal with almost daily in our corner of the county. Whether it's dismay about predatory lending or concern about where to take scrap metal and yard trim --both of which you'll see discussed in this issue -- our part of



Councilmember Knapp

Montgomery County is like no other. But we also have the same concerns as the rest of our neighbors when it comes to public safety and health care, which you'll also read about it in this issue.

What else will you see in this issue? I've got an update on the latest involving Verizon's lawsuit with the County, as well as breaking news on the appointment of the new chairman of the Montgomery County Planning Board. You'll find information on National Night Out events in our communities, as well as the Road Scholar and the popular Vox Pops, where you and your neighbors have a chance to tell me what you think.

Have a save and happy summer! Visit one of our parks, pools, or recreation centers, go hiking or biking, or just enjoy a drive through the Agricultural Reserve. And as always, feel free to contact me if I can be of any assistance to you. It's my pleasure to serve.

Regards,

Mike Knapp Councilmember, District 2

The Open Mike 1 August 2006

Verizon v. Montgomery County: Setting the Record Straight

When it comes to cable, you're either (a) tired of your current provider and want another option, or (b) just want cable in the first place, but can't get it because there's no provider in your area. I hear you. And you're probably frustrated because you either <u>read in the paper</u>, or received an email from an interested vendor – <u>Verizon</u> – telling you that they'd like to provide cable service in the county, but the county won't let them. As a consumer, I'd be frustrated, too, if that were true.

It's not. In fact, there's been quite a bit of misinformation making the rounds on this issue, so let me take a moment to help clarify things.

First, let me make one thing absolutely clear: I <u>want</u> the competition that would be provided by Verizon and other cable service providers. I firmly believe that competition improves services across the county, and experience has proven that competition is an effective way to reduce price



and increase customer service. That's been my position since I started in this job, and it continues to be my position today.

A bit of background may be necessary. Within the last two years, Verizon conducted a massive construction effort across our county to lay down the infrastructure that would provide Verizon's Fiber Optic Service (FIOS). The sheer scope of this project created disruptions in communities across our county – such as extended power outages, torn lawns, and closed roads (you can read about those conflicts in this issue of The Open Mike) – but working with Verizon we eventually resolved most of those problems.

Simultaneously with Verizon's build-out, the company was in discussions with the County about applying for a franchise agreement to offer cable service to county residents. However, Montgomery County isn't the only county with which Verizon does business; presently, Verizon is hoping to make its services available in hundreds of counties and communities, each of which requires Verizon to submit a franchise application.

I understand and appreciate the time and effort Verizon must invest in applying for these franchise agreements; yet, counties and communities – including ours – have these franchise processes in place for a reason, and present carriers have had to navigate these paths as well. Frankly, I was concerned that once Verizon deployed its FIOS infrastructure, it might push to circumvent the county's franchise process, or push the county for legal changes that would provide Verizon with a more advantageous relationship with the county than is available for other cable providers. Unfortunately, that's exactly what has happened.

Verizon has repeatedly stated that it wants to provide competition, yet it has not applied for a franchise in Montgomery County. Instead, it has mounted a concerted legal and lobbying effort in an attempt to influence revisions in local, state, and federal law. In some jurisdictions, Verizon has already managed to leverage changes in local laws and regulations to ensure a better franchising deal for itself. Verizon is also lobbying for similar legislation at the state and federal

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level, which would override both state and local law and create an environment more favorable to its programs, but may not be as good for the consumer.

Advocating for legislative and regulatory change is certainly Verizon's prerogative; unfortunately, it is using Montgomery County as leverage in its lobbying effort. Rather than inform the county that it would not be submitting a franchise application, Verizon instead sued Montgomery County, claiming the county's franchising process violates federal law – the first lawsuit of its kind in the nation.

At the moment, the only conversations taking place are occurring in the courts. I don't think that's in the best interest of the county, Verizon, or the consumer.

I would like nothing more than to sit down with Verizon and discuss ways the county might accommodate Verizon within the parameters of our existing laws and franchising process. At the moment, however, the only conversations taking place are occurring in the courts. I don't think that's in the best interest of the county, Verizon, or the consumer.

I'll continue to advocate for increased competition and a level playing field for all cable providers – and there are a number of ways, apart from lawsuits, to assure that cable customer get the best product at the best

price. We need to have the policy discussions to advocate for change at the appropriate level – state, local or federal level – rather than working to circumvent the process at increasingly higher levels of government. I'm not sure, for example, that a blanket of federal legislation would necessarily be the way the go – but I'm also not sure that it's good business to require a vendor that has already made a multi-billion dollar infrastructure investment negotiate thousands of separate franchise agreements.

I believe we can reach a mutually acceptable agreement that benefits all three interested parties – the county, Verizon, and you. But that can't happen until we get past the legal wrangling that is preventing such a conversation from ever happening in the first place. It is my hope that Verizon will drop its lawsuit against the county, file a franchise application, and get back to work trying to bring you more and better options for cable and internet services.

Contact Me!

I always welcome your views and comments, whether in person, electronically, or by phone. Here's all the information you need to reach me:



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100 Maryland Avenue, 6th Floor
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[Click here for a map.]
(240) 777-7955

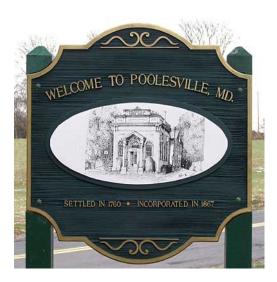
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SWS Junks Yard Trim, Scrap Metal at Poolesville Beauty Spot

As of July 1, the Poolesville Beauty Spot is accepting only bulk trash – up to 499 pounds – motor oil, and antifreeze, and will no longer be accepting yard trim and scrap metal. These materials are considered recyclables, and therefore will now be collected curbside by the County and the Town of Poolesville.

The decision by the Department of Public Works and Transportation's <u>Division of Solid Waste</u>
<u>Services</u> – which oversees the Beauty Spots in Poolesville and Damascus in the Upcounty – met with mixed reviews from area residents. Some residents applauded the decision, citing the reduction in the long lines that often snaked away from the Beauty Spot's Jerusalem Road location; on the other hand, some area farmers – who often discarded large amounts of organic material, such trees and brush – expressed concerns both about their ability to bag large amounts of material for curbside removal, as well as about the ability of the County and the Town of Poolesville to remove it all.

I asked Daniel Locke, the Chief of the Division of Solid Waste Services, for some insight into the division's decision. Here's what Chief Locke had to tell me:



"When the Beauty Spots were opened over 20 years ago, they were intended as a place for residents with private trash service to drop off bulk trash items and to also hopefully have appositive impact on illegal dumping in the rural parts of the County. Back then, yard trim and scrap metal were both considered trash, but got reclassified as recyclables in the mid-1990s. At that point, they were no longer acceptable for disposal via a Beauty Spot.

"In 2004, residents in the Poolesville area contacted the Division of Solid Waster Services complaining about the long lines entering the facility. Many residents felt that the lines were caused by out-of-county users, but survey work by SWS field staff revealed that the percentage of out-of-county users was less than 2%, and that the long lines were caused by residents bringing in huge quantities of yard trim and brush. This material was generally being boxed up and trucked out of the facility with the trash and not being recycled. Also the volume of material coming in is so great that Highway Services has to dedicate several workers all week long handling the material. This impacts the operational capabilities of the site due to space being taken up with yard trim, and the loss of personnel work hours.

"Since curbside collection of yard trim and scrap metal is provided both by the County and the Town of Poolesville, there is no reason to have yard trim and scrap metal enter the facility, and possibly not get recycled. Residents in Damascus and Poolesville who have oversized yard trim, or choose not to package their material for curbside collection may still bring it to the Transfer Station, as residents in other parts of the County with large lots like those in Potomac, Bethesda, and Burtonsville do."

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Upcounty farmer <u>Wade Butler</u>, a member of the County's Agricultural Advisory Committee, expressed the committee's concern about removal of large amounts of trim, and asked for an exemption for Certified Agricultural Producers. SWS denied such an exemption. An exemption, Chief Locke said, "does not solve the problem of the volume of material entering the facility and its impact on Highway Services. It also affects our ability to ensure the recyclables are recycled and goes against the long-standing policy of not accepting commercial waste at a Beauty Spot."

Given the county's commitment to recycling, it is my hope the new policy will not be selectively enforced – I've already received word of several sightings of scrap iron and yard trim at the Poolesville Beauty Spot. A few bugs are still bound to be in the system, but given the inconvenience that conscientious farmers must now face to dispose of their waste responsibly, extra diligence on the part of SWS – and those who use the Beauty Spot – is definitely warranted.

Additionally, I've asked SWS to more intently monitor the back roads and open spaces surrounding Poolesville to determine whether the decision to prohibit yard waste and scrap metal is encouraging illicit dumping instead. If you see anyone dumping - or spot dumped materials - please report it to SWS at (240) 777-6410, or e-mail me by clicking here.

For more information on the Poolesville Beauty Spot and the new policies regarding disposal of yard trim and scrap metal, click here.

Police Leaders, Community Share Concerns at Public Safety Forum

On Thursday, July 6th, I was pleased to co-host a community forum on public safety, with the invaluable help of Montgomery County Police Chief Tom Manger, 5th District Commander Evelyn Cahalen, and 6th District Commander Tina Faass. Nearly 150 people filled the auditorium at the BlackRock Center for the Arts to participate in an extended question-and-answer session with the County's top police officials responsible for the safety of Upcounty residents.



During his presentation, Chief Manger noted that there are a number of encouraging trends as it relates to crime throughout the County. That being said, the Chief also expressed serious concern about the recent spike in robberies. Since being selected to be the chief of police two years ago, Chief Manger requested, and the Council approved, additional staff and resources for the robberies and investigative section to help combat this troubling problem. In addition, this year's budget has funded the creation of a PCAT team, or quick deployment unit, which the Chief can rapidly assign to a neighborhood or district that is experiencing a spike in crime.

Residents of our community had a variety of questions and expressed a number of concerns during the forum. Some folks inquired whether the 5th district, which is geographically the largest police district in the county, requires additional dedicated resources given the growth of communities such as Germantown and Clarksburg. Other concerns centered on gangs and what steps the county is taking to prevent kids from joining them in the first place. Traffic, speeding and parking issues were also raised. The wide scope and thoughtful nature of the questions that were asked, as well as the large turnout – despite the urge to be outside on what was a beautiful

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summer evening – is a testament to the interest and involvement of our Upcounty community when it comes to our safety and security.

This public forum was a good next step toward helping to ensure that your voice continues to be heard by the decision makers of the county. I ask that you continue to remain involved – in your neighborhood, your school and the community at large. A complex issue such as this requires us to work together, as we all share the burden and responsibility for the future of our community. Please don't hesitate to either contact me or your respective police commanders to find out how your neighborhood can be more proactive in the prevention of crime.

Break A Leg!

Shady Grove Emergency Center in Germantown Celebrates Ribbon Cutting, August 7 Opening

The ribbon-cutting on the long-awaited <u>Shady Grove Adventist Emergency Center in Germantown</u> will take place on July 31 – and as one of the many advocates who worked hard for this facility, I couldn't be more pleased. The emergency center will begin taking patients on August 7, and will also host a public open house to give residents the opportunity to tour the new 17,000 square foot facility.



For the last two years, I've been working to help clear the various legal and procedural hurdles that have kept the Upcounty without a convenient emergency facility for far too long. Working with Senators Hogan, Garagiola and Kramer, and Delegate Hurson, as well as our Delegates from Districts 15 and 39, we were able to ensure passage of legislation – which the Governor signed in April 2005 – that enabled Shady Grove Adventist Hospital to open a freestanding medical facility in

Germantown. (To read all about the legal obstacles we had to overcome we had to fight, take a look at the very first issue of *The Open Mike* by clicking here.)

The Shady Grove Adventist Emergency Center in Germantown will provide much-needed emergency services for Upcounty residents who, until now, had to travel either to Shady Grove Adventist Hospital in Rockville, or Frederick Memorial Hospital, which also often required emergency vehicles to fight heavy traffic on the I-270 corridor. The 21-bed center will be staffed and equipped like any other hospital emergency department, served by board-certified physicians and nearly 30 specially trained nurses and staff, and will provide care and services similar to those available in other hospital emergency rooms. The major difference between the emergency center and its more traditional counterparts is that the Germantown center will only have emergency beds, rather than overnight/inpatient beds. Patients requiring overnight care will be transported to Shady Grove Adventist in Rockville.

The Shady Grove Adventist Emergency Center in Germantown is located on Route 118, just west of I-270. The four-acre site is located just across from Germantown Town Center.

Knapp Proposes Possible Use For Webb Tract

Introduces ZTA for Planned Retirement Community Zone

The 134-acre Webb Tract – located near the Montgomery County Airpark on Snouffer School Road – is one of the most enigmatic pieces of land in Montgomery County. Everyone wants it used, but no one is exactly sure what they want it used for. We've had discussions in the County Council about using it for all sorts of different purposes, both residential and commercial, but have never been able to reach a consensus.

I recently proposed a use for the Webb Tract that I think will not only help ensure that the parcel is developed responsibly, but also address another major issue in our county. My legislation -- Zoning Text Amendment 06-18, Planned Retirement Community Zone -- would help us meet the critical need for more senior housing by creating a new zone explicitly for such a purpose. One application of this ZTA <u>could</u> be at the Webb Tract property. If my ZTA passed, it would allow for the zoning of a potential senior planned community on that site.

I regard this ZTA as a win-win for the community. It creates the potential to help meet the increasing needs of our senior population while still complimenting the surrounding neighborhoods with little impact on the existing traffic infrastructure. While there are some potential issues to work through as it relates to the airpark, I am confident that in working with all parties, that we can come to a successful outcome.

As it specifically relates to the future of the Webb Tract, it is my objective to continue to work with all stakeholders, including the community and the private sector, to see that the site is effectively utilized while still maintaining the quality of life of the community around it. In this case, I believe that a seniors community at the Webb Tract best meets those requirements.

Predatory Lending Update

Circuit Court Postpones Decision, Maintains Injunction



Following further review of the lawsuit challenging the legailty of the County's recently-passed predatory lending law, Circuit Court Judge Michael Mason stated on July 6 that he needed more time to consider the merits of the case, and was postponing his final decision until further review. The Judge also maintained the existing injunction barring the law from taking effect, at least until he makes a final ruling. The law initially was to go into effect on March 8, 2006.

As of press time, I've heard no word on when Judge Mason might issue his final decision, or received an indication of what that decision might be. Keep watching *The Open Mike* for more information, as it becomes available.

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23rd Annual National Night Out Set for August 1

Events Planned in Olney, Gaithersburg, Germantown

August 1, 2006, marks the 23rd Annual National Night Out, an evening designed to heighten crime- and drug prevention awareness, as well as to strengthen neighborhood spirit and police/community partnerships. According to the National Association of Town Watch, which sponsors the event nationwide, National Night Out "sends a message to criminals, letting them know that neighborhoods are organized and fighting back."

In Montgomery County, Gaithersburg, Germantown, and Olney have all registered to participate in National Night Out activities, and will be hosting a number of events at the neighborhood- and community-levels.



National Night Out in Olney

The Olney Chamber of Commerce -- along with its partners, the Montgomery County Police Department, the Sandy Spring Volunteer Fire Department, the Park Police, and Montgomery County Crime Solvers -- invite you to a night of police awareness and crime prevention from on August 1 from 5:00 to 8:30 p.m. in Olney. I'll see you there.

As part of the town's celebration, Olney and the MCRRC in are sponsoring a Take Back the Night 5K Run. The 5K start will be held in the Olney Town Center Shopping Plaza, off of route 108 in Olney. The race begins at 7:00 pm and registration begins at 5:30. Registration is \$5, and is open on race-day only. For those who do not want to run, the National Night Out will consist of games for the kids, safety demonstrations, and other family activities.

For more information, please contact the Olney Chamber of Commerce at 301-924-3555.

National Night Out in Germantown

Germantown's National Night Out will be held in front of the <u>BlackRock Center for the Arts</u>, beginning at 6:00 p.m. Many local businesses - such as Euro Motor Car, Target, Hard Times Cafe, SFW, Frito Lay, and Pepsi Cola - have contributed goods, and local entertainment will be provided. The MCPD 5th District Citizens Advisory Board and Explorers Cadets will also be in attendance.

The Germantown National Night Out program has expanded every year. I'm particularly excited about this year's event, as it will be the first time it has been held at the Town Center.

Additional information can be found on the National Night Out website at http://www.nationalnightout.org/.

Council Unanimously Appoints Hanson to Planning Board Chair



Dr. Royce Hanson

At its July 25 session, the County Council unanimously approved the appointment of Dr. Royce Hanson as the new Chairman of the Montgomery County Planning Board. I'm very pleased with this appointment, and believe Dr. Hanson will not only help us get past the issues that have bogged down the county planning process, but will also ensure we make our county an even better place to live and work.

It's been a rough 18 months for both the County and the Planning Board, and there is much work that needs to be done to mend fences, and then look to the future. Our county is a terrific place to live. We have dedicated citizens who work hard for themselves and for our county. They want a protected Agricultural Reserve.

They want smart growth and development. And they want to know that it's all being overseen by someone with knowledge and integrity. Our citizens are very fortunate to have Dr. Hanson, and he's just as fortunate to have them - it's a strong base upon which he can build.

Dr. Hanson knows what we've done in our county in the past, but he's also been a leader, both nationally and internationally, on the planning process. Therefore, he brings a unique perspective, a unique merging of skills, that can guide our planning toward the future without ever forgetting the successes - and failures - of our past. Dr. Hanson remains aware, for example, that we are simply one piece of a larger region. We have to interact and coexist not only with our fellow Marylanders, but also with our neighbors in Virginia and Washington, DC.

There are few easy answers to the issues we face at the Planning Board, but I think Dr. Hanson will help us stare down those issues honestly, and put them in front of us with his usual tact and common sense. That's critical, because the Council has the final decision on issues regarding land use, and we need Dr. Hanson to give us the best possible information so we can then make the best possible decisions on behalf of our constituents. (In fact, I'm very pleased to call Dr. Hanson a constituent of mine, as he lives in Montgomery Village.)

Dr. Hanson has indicated a willingness not only to lead, but to listen - a vital trait in any leader. The agricultural community, for example, expressed some concern about positions Dr. Hanson has taken in the past, and rather than dismiss those concerns, Dr. Hanson has already initiated meetings to have a conversation with area farmers and others in the agricultural community to learn of their concerns and see what can be done to address them. Again, our farmers provide the Planning Board Chairman with a solid foundation; Dr. Hanson will do well to capitalize upon their knowledge and expertise.

The Council was very deliberate in its consideration of the applications for the Planning Board. Some thought we were too slow, frankly, but we were careful for a reason. I was very impressed with the caliber of the applicants we interviewed. and I hope we see them again when it comes time to nominate new Board members. I'm also very appreciative of the hard work of the civic, business and agricultural communities, who helped me and my my colleagues come up with criteria for the selection of the best candidate that were based on principles, not personalities. And I think that made the process even more deliberate and helped ensure we picked the best candidate.

I'm pleased to welcome Dr. Hanson back to the Planning Board, and look forward to working with him

The Upcounty Road Scholar

DPWT, PEPCO Ink Agreement to Bring Lights to Watkins Mill

Got a road that needs repairing? A traffic light that's out? Is there a street or intersection that you think needs a stop sign or crosswalk? One of my responsibilities is to make sure someone knows about it -- and to do what I can to get you information on your question or request as quickly as possible.

I stay in regular contact with the Montgomery County Department of Public Works and Transportation (DPWT) and the Maryland State Highways Administration (MSHA), and provide each agency with a list of projects that need addressing in the Upcounty. Both agencies receive countless requests each week, and getting a response back can take some time. So bear with me -- if you don't see a particular project listed here, that doesn't mean it has been forgotten or neglected, but rather that I haven't received an updated report on its progress this month.

With this in mind, the Road Scholar section of *The Open Mike* provides an opportunity to give you the latest information received from DPWT, MSHA, and others on the progress of requests that have been submitted on your behalf. It's also an opportunity for you to let me know of other projects that may need to be undertaken in your community. And speaking of letting me know of projects in your community....



Got a question about roads, sidewalks, or construction in your area? <u>E-mail the Road Scholar</u> and let us know.

Department of Public Works and Transportation Projects

Street Lights on Watkins Mill at Stedwick (Montgomery Village): Earlier this year, residents from Montgomery Village contacted me with their concerns about the lack of adequate streetlighting along Watkins Mill Road near north Stedwick Road. The problem, we soon discovered, was that the dark area along Watkins Mill lay in a PEPCO right of way, rather than within a county right of way, where the power company was carrying electricity to the surrounding area. Compounding the problem were the overhanging wires, which would have made it difficult to install street lamps, even with the right of way issue resolved. It seemed a nearly impossible issue to resolve, but I asked DPWT and PEPCO to give it their best shot to find a way to bring street lights to this stretch of road.

I'm pleased to report that, working together, DPWT and PEPCO recently reached an agreement that will allow the county to install lights within the PEPCO right of way on Watkins Mill. My thanks to Fred Lees of DPWT, and Vernon Gibson and Mr. Spruill of PEPCO for working to reach this agreement.

Vox Pops Voices From Around the Upcounty Community

Cable Options? How About Cable To Begin With?

"I read with a little interest and some humor the piece in *The Open Mike* where a resident complained about not having cable options other than Comcast. It's a good thing she doesn't live out here in the hinterland of Ag Reserve. Thanks to our County Government the cable providers aren't required to service all of the County. I live on Moore Rd in Boyds and while it seems like it is way out there we are only 10 minutes from Germantown Center. Yet, the TV service that was first invented so rural communities could get coverage is denied to a big chunk of the County because of a rather archaic " houses per mile" rule. When cable first came to the County the rule was that the cable company could wire the densely populated areas first, but would eventually have to wire the whole county. But when all the low hanging fruit had been picked, the County reneged on its deal with all its citizens and allowed the cable company to ignore its rural citizens." -- *Mike*

County Should Limit Services to Residents Only

"I would like to take this opportunity - and every opportunity I can possibly get - to ask you, in deciding programs that you will vote for in using our tax dollars, that you vote responsibly. All the programs you mention in The Open Mike are commendable. I would ask you to make sure that our tax dollars are being spent for LEGAL residents. I doubt that you are making the less commendable projects as visible..but..we do know anyway. We DO want our tax dollars going for transportation, education, assistance for elderly LEGAL residents, libraries, and assistance for the less fortunate LEGAL citizens. We do NOT want our tax dollars going to support ILLEGAL activity, CASA de Maryland, Work Centers for Lawbreakers, or public assistance for people who are not in our county legally. We are watching how council members vote and will support those who do NOT spend our hard earned money on ILLEGAL residents." -- Betty

Support the Corridor Cities Transitway

"We need the Corridor City Transitway now. It needs to be made a top priority and extend to Frederick. Hopefully, it will cut down on the road traffic coming out of Frederick in the morning and going home in the evening. What is going to be done to push this project to the forefront of local, state, and Federal governments?" -- Elaine

Parking at Germantown Fireworks Sputtered

"Have you gotten an explanation for the traffic jam that resulted after Sat. July 1st firework display at the S. Germantown park? That traffic control planning was horrible as it took me over an hour to go 3 car lengths! I understand the need to have a traffic lane out for emergency vehicles but that would have still been accomplished by having traffic going out both directions, as the other lane each direction could still have been used for emergencies, no one was driving into the park at 10 or 11 pm. But that plan of routing all traffic the same direction and blocking the exit road that runs by adventure park seemed idiotic! It took me longer to leave just the parking lot let alone get home from Germantown and I live in Darnestown than it took me to drive home form the mall in Washington D.C. for the 4th of July fireworks. I hope someone is held accountable for such poor traffic planning as this ruined an otherwise fabulous and enjoyable evening." -- H.